

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

2014-1547

**THE TRUSTEES OF COLUMBIA UNIVERSITY
IN THE CITY OF NEW YORK,**
Appellant,

v.

ILLUMINA, INC.,
Appellee.

Appeal from the United States Patent and Trademark Office,
Patent Trial and Appeal Board in No. IPR2012-00006.

**APPELLEE'S UNOPPOSED MOTION FOR A 45-DAY EXTENSION OF TIME
TO FILE APPELLEE'S RESPONSIVE BRIEF**

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Attorneys for Appellee

October 8, 2014

CERTIFICATE OF INTEREST

2014-1547

Trustees of Columbia Univ. v. Illumina, Inc.

Counsel for Petitioner-Appellee certifies the following:

1. The full name of every party or amicus represented by me is:

Illumina, Inc.

2. The name of the real party in interest (if the party named in the caption is not the real party in interest) represented by me is:

N/A.

3. All parent corporations and any publicly held companies that own 10 percent or more of the stock of the party or amicus curiae represented by me are:

No parent corporation or publicly held corporation owns 10% or more of Illumina, Inc.'s stock.

4. The names of all law firms and the partners or associates that appeared for the party or amicus now represented by me in the trial court or are expected to appear in this court are:

Weil, Gotshal & Manges LLP – Edward R. Reines, Derek C. Walter, Audrey Maness, Michele A. Gauger

Reinhart Boerner Van Deuren s.c. – Robert Lawler, James Morrow

Dated: October 8, 2014

/s/ Edward R. Reines

Edward R. Reines

UNOPPOSED MOTION FOR EXTENSION

Appellee Illumina, Inc. (“Illumina”) hereby moves to extend the deadline for filing its responsive brief by 45 days, from November 13, 2014 to and including December 29, 2014. No previous extension has been sought by Illumina. Counsel for Appellant The Trustees Of Columbia University In The City Of New York has informed counsel for Illumina that Appellant does not oppose the requested extension and will not file a response to the request for an extension.

There is good cause for this extension. As counsel for Appellant outlined in their unopposed motion for an extension of time (filed on July 15th, 2014), this case and the companion cases present complex technological and legal questions, and additional time to prepare briefing would be valuable to both parties. In addition, there are three related appeals (Nos. 2014-1547, 2014-1548, and 2014-1550) that, while related, require three separate briefs, and the extra time would be helpful in preparing these briefs. Finally, like counsel for the Appellant, counsel for the Appellee in this appeal did not represent Illumina in the proceedings before the Patent Trial and Appeal Board, and the additional time would assist counsel in becoming familiar with the record.

As noted above, counsel for the Appellant does not oppose this motion; indeed, they notified the Court of this position well in advance of this requested

extension. *See* Dkt. No. 15 at 2 (“Columbia will not oppose a reciprocal 45-day extension of time for the filing of Illumina’s brief.”).

Illumina therefore respectfully requests that the Court extend the deadline to file Illumina’s responsive brief by 45 days to and including December 29, 2014. A proposed order is submitted herewith.

Dated: October 8, 2014

/s/ Edward R. Reines
Edward R. Reines
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Counsel for Appellee Illumina, Inc.

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**DECLARATION OF EDWARD R. REINES IN SUPPORT OF APPELLEE'S
UNOPPOSED MOTION FOR A 45-DAY EXTENSION OF TIME TO FILE
APPELLEE'S RESPONSIVE BRIEF**

I, Edward R. Reines, hereby declare as follows:

1. I am a partner at the law firm of Weil, Gotshal & Manges LLP. I am appellee counsel to Appellee Illumina, Inc. ("Illumina") in this matter. I submit this declaration pursuant to Federal Circuit Rule 26(b) in support of Illumina's motion for a 45-day extension of time for filing its responsive brief in this appeal.

Appellee's brief is currently due November 13, 2014. Appellee's motion seeks an extension of 45 days to and including December 29, 2014. The extension is sought because (1) this case and the companion cases present complex technological and legal questions, and (2) counsel for the Appellee in this appeal did not represent Illumina in the proceedings before the Patent Trial and Appeal Board. The additional time afforded by an extension would assist counsel in becoming familiar with the record and in fully briefing the complex issues presented.

2. I have consulted with counsel for Appellant The Trustees of Columbia University In The City Of New York regarding the substance of this extension request. Counsel for Appellant has advised me that the Appellant does not oppose the grant of a 45-day extension.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: October 8, 2014

/s/ Edward R. Reines
Edward R. Reines
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(650) 802-3022

Counsel for Appellee Illumina, Inc.

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**[PROPOSED] ORDER GRANTING APPELLEE’S UNOPPOSED MOTION
FOR A 45-DAY EXTENSION OF TIME TO FILE APPELLEE’S
RESPONSIVE BRIEF**

Appellee Illumina, Inc. (“Appellee”), having moved without opposition for a 45-day extension of time to file Appellee’s responsive brief (“Appellee’s Brief”), and good cause therefor being shown: IT IS HEREBY ORDERED that the motion be Granted. Appellee’s Brief is now due on or before December 29, 2014.

FOR THE COURT

CERTIFICATE OF SERVICE

In accordance with Fed. R. App. P. 25 and Fed. Cir. R. 25, I certify that on this day October 8, 2014, I served the foregoing via the Court's CM/ECF system and electronic mail on the principal attorneys for each party.

Dated: October 8, 2014

/s/ Irina Khait

Irina Khait
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